

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:  
CHARLES RAY MOSELY  
DEBTOR

§ CASE NUMBER: 13-34674  
§  
§  
§  
§ CHAPTER 7

MOTION FOR RELIEF FROM STAY REGARDING EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN OCTOBER 23, 2013 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON OCTOBER 30, 2013 AT 9:00 A.M. IN COURTROOM 403, BOB CASEY FEDERAL COURTHOUSE, 515 RUSK, HOUSTON, TEXAS 77002.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: PNMAC Mortgage Opportunity Fund Investors, LLC, its successors in interest and/or assignees.
3. Movant, directly or as agent for the holder, holds a security interest in 3005 Nita St. Houston, TX 77051.

The West 33 feet of Lot Twenty-seven (27) and the adjoining East 22 feet of Lot Twenty-eight (28), in Block Twenty-four (24) of REEDWOODS, an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 42, Page 71 of the Map Records of Harris County, Texas;

MORE COMMONLY KNOWN AS 3005 NITA, HOUSTON, TX 77051 (the "Property").

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral: Single Family Home.
6. Debtor scheduled value of property: \$38,000.00.
7. Movant's estimated value of property: \$26,966.00.
8. Total amount owed to Movant: \$43,713.08.

9. Estimated equity: \$0.00.

10. Total pre and post-petition arrearages: \$6,327.72.

11. Total post-petition arrearages: \$6,327.72.

12. Amount of unpaid, past due property taxes, if applicable: Unknown

13. Expiration date on insurance policy, if applicable: Unknown.

14. ☒ Movant seeks relief based on the debtor's failure to make payments. Debtor(s)' payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. \_\_\_\_\_ Movant seeks relief based on the Debtor failure to provide a certificate of insurance reflecting insurance coverage as required under the Debtor pre-petition contracts.

16. If applicable: Name of Co-Debtor: \_\_\_\_\_.

17. Based on the foregoing, Movant seeks termination of the automatic stay to allow Movant to foreclose or repossess the Property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

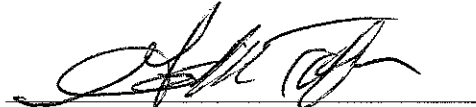
18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor's counsel (or with Debtor, *if pro se*) either by telephone, facsimile, e-mail or by the following person on the following date and time: Grant M. Tabor spoke to the pro se Debtor on 9/18/2013 at 11:25 A.M. The pro se Debtor advised that the motion is opposed. If requested by Debtor or Debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

Date: October 4, 2013

  
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Email [chgarcia@logs.com](mailto:chgarcia@logs.com)  
Grant M. Tabor / TBN 24027905  
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5450 NW Central Drive, Suite 307  
Houston, TX 77092  
Telephone 713-462-2565  
Facsimile 847-879-4856  
ATTORNEYS FOR MOVANT

**CERTIFICATE OF SERVICE AND CERTIFICATE OF COMPLIANCE WITH BLR 4001**

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on October 1, 2013 by electronic mail where available, otherwise by prepaid, United States first class mail. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.



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Houston, TX 77092

Telephone 713-462-2565

Facsimile 847-879-4856

ATTORNEYS FOR MOVANT

EXHIBIT "1"

**DEBTOR**

CHARLES RAY MOSELY  
3005 NITA  
HOUSTON, TX 77051

**DEBTOR'S ATTORNEY**

PRO SE

**BANKRUPTCY TRUSTEE**

RONALD J. SOMMERS  
2800 POST OAK BOULEVARD  
61ST FLOOR  
HOUSTON, TX 77056

**U.S. TRUSTEE**

US TRUSTEE  
515 RUSK STREET  
SUITE 3516  
HOUSTON, TX 77002-2604

**PARTIES REQUESTING NOTICE:**

NONE

**PARTIES IN INTEREST:**

NONE